

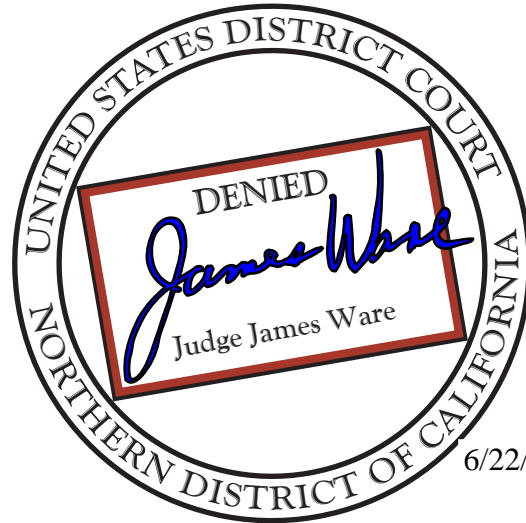
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Attorneys for Plaintiff



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
FREDRICH HERIBERT BELIUNAS,)
)
Defendant.)

No. 06-00360 JW

STIPULATION AND [PROPOSED]
ORDER VACATING SENTENCING
DATE AND SETTING STATUS
HEARING

SAN JOSE VENUE

The undersigned parties respectfully request that the sentencing hearing in the above-captioned case currently scheduled for June 25, 2007 be continued to August 13, 2007 for a status hearing. Earlier this week, Anthony Capozzi, who represents the defendant, notified the government that the defendant intends to withdraw his guilty plea because he was unaware of the immigration consequences of his guilty plea. Both parties need time to investigate the defendant's claim and decide how to proceed in the case. In addition, the government has ordered transcripts of the change of plea hearing that will take several weeks. Finally, the government has notified Probation Officer Joshua Sparks, who conducted the presentence investigation in the case, regarding the defendant's intent to withdraw his plea and will continue

1 to keep him updated regarding the status of the case.

2 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

3
4 DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

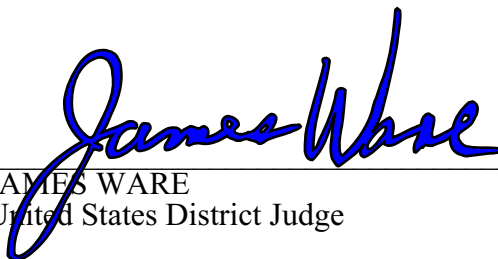
5
6 DATED: _____

/s/
ANTHONY P. CAPOZZI
Counsel for Mr. Beliunas

7
8
9 Accordingly, for good cause shown, the Court HEREBY ORDERS that the sentencing
10 hearing scheduled for June 25, 2007 remain on calendar for Judgment and Sentencing for June 25
11 2007 at 1:30 p.m. The parties and defendant's appearance is required.

12 SO ORDERED.

13
14 DATED: June 25, 2007


JAMES WARE
United States District Judge